

## **REMARKS**

Claims 1-85 and 87 are pending in the application. Claims 10-13, 15, 17-20, 22-25, 28-46, 57, 60-64, 66-71, 76, and 77 are withdrawn from consideration; claims 78-85 and 87 are allowed; claims 1, 3-8, 14, 16, 21, 26, 27, 47, 49-53, 59, 65, and 72-75 stand rejected; and claims 2, 9, 48, 54-56, and 58 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.<sup>1</sup>

Claim 75 stands rejected as being indefinite. Applicants amended the first fixture to “the first merchandiser.” Applicants assert that claim 75 is now definite and request the Office to withdraw the rejection.

Claim 1 stands rejected as being anticipated by USPN 4478051 (Ibrahim). Claim 1 recites a commercial refrigeration system suitable for use in a supermarket. The commercial refrigeration system includes, among other things, a system controller operable to control operation of the refrigeration system and a subsystem controller in communication with the system controller, the subsystem controller being operable to monitor at least one parameter of a subsystem having at least one of, but not all of, the compressor, condenser, valve, and first merchandiser, and being further operable to communicate information relating to the monitored parameter to the system controller and to execute a command from the system controller to affect the operation of the subsystem.

Applicants assert the cited reference does not teach or suggest a subsystem controller that is

- in communication with a system controller,
- operable to monitor at least one parameter of a subsystem,
- operable to communicate information relating to the monitored parameter to the system controller, and
- operable to execute a command from the system controller to affect the operation of the subsystem.

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<sup>1</sup> The Office listed claims 80, 81, 84, 85, and 87 as being withdrawn from consideration. However, these claims depend, either directly or indirectly, from allowed claim 78, and therefore, should be allowed.

If the Examiner believes otherwise, then Applicants request a more detailed analysis of Ibrahim.

It is noted that the Examiner states, with respect to Ibrahim, that the commercial refrigeration system comprises “a subsystem controller in communication with and communication information to a system controller (see for example column 5, lines 52-59; column 7, lines 60-63), the subsystem monitoring the first merchandiser (air temperature passing through coils) . . .” However, the Examiner does not explain how Ibrahim discloses a subsystem controller that performs all of the bulleted functions; for example, the operation of communicating information relating to the monitored parameter to the system controller. Furthermore, Applicants do not understand how column 5, lines 52-59 and column 7, lines 60-63 teach the system and subsystem elements in their entirety. To assist the Examiner, the Applicants are repeating the cited text below.

A central computer can be connected to individual temperature controllers for each of the display cases within a system or series of display cases within the system so that the central computer can communicate with the individual controllers and set the desired temperatures and temperature differentials for each of the medium temperature display cases and the freezer display cases. Col. 5, lines 52-59.

. . . ; and interfacing with a master control computer so that all of the display cases can be controlled from a central location within the store. Col. 7, lines 60-63.

Therefore, the cited reference does not teach or suggest (see, e.g., MPEP 2131)

a commercial refrigeration system suitable for use in a supermarket, the commercial refrigeration system comprising:

a compressor, a condenser, a valve, a first evaporator coil, and a second evaporator coil, all of which are in fluid communication;

a first merchandiser adapted to be cooled by the first evaporator coil;

a second merchandiser adapted to be cooled by the second evaporator coil;

a system controller operable to control operation of the refrigeration system;

a subsystem controller in communication with the system controller, the subsystem controller being operable to monitor at least one parameter of a subsystem having at least one of, but not all of, the compressor, condenser, valve, and first merchandiser, and being further operable to communicate information relating to the monitored parameter to the system controller and to execute a command from the system controller to affect the operation of the subsystem; and


wherein at least one of the compressor and condenser is located remotely from the first merchandiser and the second merchandiser.

Accordingly, independent claim 1 and dependent 2-77 are allowable.

**CONCLUSION**

Allowance of the pending claims is respectfully requested. The undersigned is available during normal business hours if a telephone conversation would be helpful to advance prosecution in this application.

Respectfully submitted,

  
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